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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,768	10/09/2006	Mitsuji Toda	734156.437USPC	4088

96896 7590 08/05/2011
Seed Intellectual Property Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle, WA 98104

EXAMINER

HONG, HARRY S

ART UNIT	PAPER NUMBER
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2614

NOTIFICATION DATE	DELIVERY MODE
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08/05/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jeffs.docketing@seedip.com

Office Action Summary	Application No. 10/599,768	Applicant(s) TODA ET AL.
	Examiner HARRY HONG	Art Unit 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____. |
|---|--|

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 6, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Bae et al. (Bae; US 2004/0055011 A1; cited by the applicants and applied for the first time in the present application).

Bae teaches the claimed communication terminal (see paragraph [0027], "mobile telephone" and figure 6), comprising:

a contents reproducing unit (see paragraph [0031], "A tuner 50 functions to receive a television signal of a channel selected under the control of the control unit 10 and perform a frequency conversion operation with respect to the received television signal' and figure 2, "50") **configured to reproduce content** (see paragraph [0033], "The display unit 80 displays output data from the control unit 10 in the communication mode and displays output television video data and user data from the video processing unit 70 respectively to the corresponding areas in the television mode. In the television mode, the display unit 80 displays the television video data from the video processing unit 70 in its first display area and the user data therefrom in its second display area, respectively");

an incoming call processing unit configured to receive an incoming call and process the incoming call (see paragraph [0034], "In an incoming call mode, the control unit 10 detects the incoming call mode through the data processor 23 and generates a ringing signal through the audio processor 25");

a watching condition determining unit configured to determine a watching condition (read as detecting that a given TV mode has been set) **of contents being reproduced** (see paragraph [0103], "Thirdly, if the communication mode is the incoming call mode at step 811 and the voice communication mode at step 813 and the OSD function is selected in the voice communication mode at step 821", paragraph [0104], "Fourthly, if the communication mode is the incoming call mode at step 811 and the voice communication mode at step 813 and the television display function is selected in the voice communication mode at step 821, the control unit 10 notifies the video processing unit 70 of information regarding these modes at step 827' and figure 12A, "821");

a control unit configured to control the reproduction of the contents and the processing of the incoming call based on the watching condition (refer again to paragraphs [0103] and [104]) **when the incoming call processing unit receives the incoming call during the reproduction of content** (see paragraph [103]).

The claimed storage unit of claims 2 and 3 reads on the MEMORY UNIT 29 of Bae.

The claimed detecting unit of claim 5 reads on the VIDEO PROCESSING UNIT 70.

The features recited in claims 6 and 8-10 are inherent to Bae and are taught via the CONTROL UNIT 10 of Bae.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The publications to Nagaoka et al. and Nakano provide additional aspects related to content provisioning in communication terminals.

Response to Arguments

4. Applicants' arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARRY HONG whose telephone number is (571)272-7485. The examiner is normally off on Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harry S. Hong/
Primary Examiner, Art Unit 2614

August 1, 2011